



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** Washington Department of Fish and Wildlife

**Subject of possible rule making:** WAC 220-52-069 Scallop fishery--Puget Sound

**Statutes authorizing the agency to adopt rules on this subject:** : RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

**Reasons why rules on this subject may be needed and what they might accomplish:** Rule changes are needed to provide increased conservation to rockfish in Puget Sound. In April 2010, the National Marine Fisheries Service (NMFS) declared that three species of rockfish warrant protection under the federal Endangered Species Act (ESA). This action will require review and possible changes to commercial fishing regulations in Puget Sound. The intent of these proposed rule changes is to rebuild populations of rockfish in Puget Sound and meet ESA requirements.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The National Marine Fisheries Service (NMFS) applies the provisions of the ESA to listed rockfish species. State and federal agencies are developing conservation actions to recover rockfish. NMFS will develop standards for allowable take of listed rockfish by commercial fisheries. The Washington Department of Fish and Wildlife is preparing an application for an Incidental Take Permit that includes a "Fisheries Conservation Plan." NMFS will use the Application and Plan to evaluate the risk posed by commercial fishing to the listed rockfish. Regulation changes will be required to implement the provisions of the Incidental Take Permit.

**Process for developing new rule (check all that apply):**

- ☐ Negotiated rule making  
☐ Pilot rule making  
☒ Agency study  
☐ Other (describe)

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Contact Lori Preuss, WDFW Enforcement, 600 Capitol Way, N. Olympia, WA 98501-1091

Phone (360) 902-2930; fax (360) 902-2155; e-mail [Lori.Preuss@dfw.wa.gov](mailto:Lori.Preuss@dfw.wa.gov).

Contact by September 15, 2010. Proposed rules will be filed on or after September 22, 2010.

**DATE**  
July 27, 2010

**NAME (TYPE OR PRINT)**  
Lori Preuss

**SIGNATURE**

*Lori Preuss*

**TITLE**  
Rules Coordinator

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STATE OF WASHINGTON  
FILED

**DATE:** July 27, 2010

**TIME:** 12:51 PM

**WSR 10-16-046**